

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	Case No. 08 C 50266
DONALD E. TUECKE,)	
PAMELA J. TUECKE,)	
GLENN L. ARENSDORF,)	Judge Philip Reinhard
DEBBIE J. ARENSDORF,)	(Magistrate Judge P. Michael Mahoney)
SINSINAWA DOMINCANS INC.,)	
LOLA ANN BEEBE,)	
CENTRAL BUYER CORPORATION, and)	
COUNTY OF JO DAVIESS, ILLINOIS,)	
)	
Defendants.)	

JOINT MOTION FOR ENTRY OF STIPULATED JUDGMENT

United States of America, and the Sinsinawa Dominicans Inc., Lola Ann Beebe, and Central Buyer Corporation, (hereafter the "Stipulating Defendants"), along with Sheryl Schnittjer, Trustee and the Small Business Administration, submit the attached proposed stipulated judgment, and move this court to enter such judgment in the above-captioned case.

The United States, the Stipulating Defendants, Sheryl Schnittjer, Trustee, and the Small Business Administration agree as follows:

1. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §1345.
2. Venue is proper in the Northern District of Illinois pursuant to 28 U.S.C. § 1391 because the property which the United States seeks to remove is located upon Federal Land which is located in this District.

3. The United States is the owner of a parcel of real property known as parcel number 158 of the Upper Mississippi River Nine Foot Channel Project, more particularly described as:

PART OF TRACT NO. FI-76

JO DAVIESS COUNTY, ILLINOIS

Part of Tract No. FI-76, located in the County of Jo Daviess, State of Illinois, being part of SW 1/4 section 29, township 29 north, range 2 west of the 4th principal meridian, designated as Item No. 158 and shown in red on map, file No. 12-S-159.1, containing 0.7 acre, more or less,

hereinafter referred to as "Federal Land", which is administered by the Army Corps of Engineers, Rock Island District.

4. The Secretary of the Army, as Lessor, entered into a Cottage Lease (hereinafter "Lease") with defendants Donald E. Tuecke, Lessee and Pamela J. Tuecke, Lessee (hereinafter "the Tueckes") on February 13, 1998, for the use of the Federal Land, under which the United States retained ownership of the Federal Land and the Tueckes owned structures and fixtures located upon the Federal Land. The Tueckes acquired and maintained a cottage and garage on the Federal Land (hereinafter "the Structure").

5. The Lease contains provisions that require the Tueckes to remove the Tueckes' property and restore the Federal Land site to a satisfactory condition upon termination of the Lease, and that obligate the Tueckes to pay the United States on demand any sum which may be expended by the United States after the expiration, revocation, or termination of the lease in restoring the Federal Land.

6. The Lease was terminated by the United States on July 17, 2003, pursuant to the terms of the Lease, for the failure by the Tueckes to pay rent.

7. The Tueckes did not remove the Structure from the Federal Land as required by the

terms of the Lease, which includes the restoration and rehabilitation of the site to its natural state.

8. The Tueckes sold the Structure to Glenn L. Arensdorf and Debbie J. Arensdorf (hereinafter “the Arensdorfs”); however, there is no lease agreement between the Secretary of the Army and the Arensdorfs, and the Arensdorfs have since abandoned the Structure.

9. Defendant Sinsinawa Dominicans Inc. may hold a security interest and is named as a defendant as it may claim an interest in the property which the United States seeks to remove from federal lands. Sinsinawa Dominicans Inc. abandons all interest, if any, it may hold in the property which the United States seeks to remove from the Federal Land. Sinsinawa Dominicans Inc. stipulates to entry of the proposed judgment attached as Exhibit A.

10. The Small Business Administration may hold a security interest and may claim an interest in the property which the United States seeks to remove from federal lands. The Small Business Administration abandons all interest, if any, it may hold in the property which the United States seeks to remove from the Federal Land. The Small Business Administration stipulates to entry of the proposed judgment attached as Exhibit A.

11. Property taxes were assessed against the Structure by the defendant, County of Jo Daviess, Illinois, and may remain unpaid and constitute a lien on the property.

12. Defendant Lola Ann Beebe is the purchaser of tax certificates for unpaid taxes assessed against the structures located on the Federal Land. Lola Ann Beebe releases any lien and abandons any and all interest in or against the Federal Land or Structure on the Federal Land. Lola Ann Beebe stipulates to entry of the proposed judgment attached as Exhibit A.

13. Defendant Central Buyer Corporation is the purchaser of tax certificates for unpaid taxes assessed against the structures located on the Federal Land. Central Buyer Corporation

releases any lien and abandons any and all interest in or against the Federal Land or Structure on the Federal Land. Central Buyer Corporation stipulates to entry of the proposed judgment attached as Exhibit A.

14. On May 2, 2006, Donald E. Tuecke and Pamela J. Tuecke filed a Chapter 7 Petition in Bankruptcy, No. 06-00399-D, United States Bankruptcy Court, Northern District of Iowa, and Sheryl Schnittjer was appointed Interim Trustee ("Trustee"). There were no assets to administer for the benefit of creditors of the estate and on August 30, 2006, Donald E. Tuecke and Pamela J. Tuecke were both granted a discharge under 11 U.S.C. § 727. Sheryl Schnittjer, Trustee, abandons any and all interest in or against the Federal Land, the Structure, or any equipment, motor vehicles, and personal property left on the Federal Land. Sheryl Schnittjer, Trustee stipulates to entry of the proposed judgment attached as Exhibit A.

15. To date, the Structure has not been removed from the Federal Land.

16. Any structure, equipment, motor vehicles, and personal property left on the Federal Land by any defendant without authorization constitutes a trespass on the property of the United States.

17. No Stipulating Defendant is entitled to or claims any residential occupancy of the Federal Land, or any interest in any structure, equipment, motor vehicles and personal property found on the Federal Land. The Stipulating Defendants agree to entry of judgment for the United States and against Sinsinawa Dominicans Inc., Lola Ann Beebe, and Central Buyer Corporation, under the terms and conditions of the proposed Judgment attached hereto as Exhibit A.

18. Sheryl Schnittjer, Trustee, and the Small Business Administration do not claim any interest in any structure, equipment, motor vehicles and personal property found on the Federal Land

and agree to be bound by the proposed Judgment attached hereto as Exhibit A.

UNITED STATES OF AMERICA by
PATRICK J. FITZGERALD
United States Attorney

By: s/ Monica V. Mallory
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SINSINAWA DOMINICANS INC.

By: Harlem Desir
Its: Treasurer

Lola Ann Beebe
LOLA ANN BEEBE

CENTRAL BUYER CORPORATION

By: Rick Tutt *Rick Tutt*
Its: Staff Attorney

A handwritten signature in cursive script, reading "Sheryl L. Schnittjer". The signature is written in black ink and is positioned above a horizontal line.

SHERYL SCHNITTJER

Bankruptcy Trustee

U.S. Bankruptcy Court

Northern District of Iowa

Case No. 06-00399-D

SMALL BUSINESS ASSOCIATION

By:  GINETTE ATWOOD
It: DIRECTOR, NDLRC

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COUNTY OF JO DAVIESS, ILLINOIS,)	
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Defendants.)	

JUDGMENT

The United States of America, Sinsinawa Dominicans Inc., Lola Ann Beebe, and Central Buyer Corporation, (hereafter the "Stipulating Defendants"), Sheryl Schnittjer, Trustee, and the Small Business Administration having stipulated to the entry of judgment, it is hereby Ordered and Adjudged as follows:

1. That the Stipulating Defendants shall terminate any residential occupancy, if any, of federal land known as parcel number 158 of the Upper Mississippi River Nine Foot Channel Project, more particularly described as:

PART OF TRACT NO. FI-76

JO DAVIESS COUNTY, ILLINOIS

Part of Tract No. FI-76, located in the County of Jo Daviess, State of Illinois, being part of SW 1/4 section 29, township 29 north, range 2 west of the 4th principal meridian, designated as Item No. 158 and shown in red on map, file No. 12-S-159.1, containing 0.7 acre, more or less,

hereinafter referred to as "Federal Land";

EXHIBIT A

2. That any of the Stipulating Defendants who continues to occupy the subject Federal Land is ordered ejected from said Federal Land, and officers of the United States, including U.S. Marshals Service are permitted to remove any defendant who fails to vacate within the time ordered by this Court;

3. That any and all interests of, SINSINAWA DOMINICANS, INC., LOLA ANN BEEBE, CENTRAL BUYER CORPORATION, SHERYL SCHNITTJER, TRUSTEE, and THE SMALL BUSINESS ADMINISTRATION in any structures, equipment, motor vehicles, and personal property found on the Federal Land is extinguished;

4. That the Court authorizes the United States to take possession and title to any structures, equipment, motor vehicles, and personal property which are not removed from the subject Federal Land by the defendants within the period specified by the Court, and to remove and dispose of said items without further order of this Court, notice, or administrative action;

5. Each party is to bear its own costs and fees relating to this matter.

Dated at Rockford, Illinois, this _____ day of _____, _____.

HON. PHILIP G. REINHARD

CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that in accordance with FED. R. CIV. P. 5, LR5.5, and the General Order on Electronic Case Filing (ECF), the following document:

JOINT MOTION FOR ENTRY OF STIPULATED JUDGMENT

was served pursuant to the district court's ECF system as to ECF filers, if any, and was sent by first-class mail on January 30, 2009, to the following non-ECF filers:

Sheryl Schnittjer, Trustee
P.O. Box 375
Delhi, IA 52223

Jeff Tutt
Central Buyer Corporation
820 Church Street, Suite 200
Evanston, Illinois 60201

Mike Toepfer
122 1/2 N. Main Street
P.O. Box 334
Galena, Illinois 61036

Sinsinawa Dominicans, Inc.
Attn: Scott Brondyke
585 County Road Z
Sinsinawa, WI 53824-9700

County of Jo Daviess
Attn: Terry Kurt
Jo Daviess County Courthouse, Room
220
330 North Bench Street
Galena, Illinois 61036

Small Business Administration
Attn: John Park, Attorney (MEO)
National Disaster Loan Resolution
Center
200 W. Santa Ana Boulevard, Suite 180
Santa Ana, California 92701

Glenn Arensdorf
20393 Mud Lake Road
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Dubuque, IA 52003

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